UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,838	07/11/2001	Richard E. Fangman	5686-00300	2194

7590 08/08/2005	EXAMINER
Jeffrey C. Hood	LEE, ANDREW CHUNG CHEUNG
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ART UNIT	PAPER NUMBER
2664	

P.O. Box 398
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DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/903,838	FANGMAN ET AL.
Office Action Summary	Examiner	Art Unit	
	Andrew C. Lee	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07/11/2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/12/2004</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 3, 4, 5, 6, 7, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34,

35, 36, 37, 45, are rejected under 35 U.S.C. 102(e) as being anticipated by

Schuster et al. (U.S. Patent No. 6822957 B1).

Regarding claims 1, 31, Schuster et al. discloses the limitation of a method,

memory medium for configuring an IP telephone, comprising: receiving an identifier

from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10,

lines 23 – 32); determining if the identifier is valid (column 8, lines 52 – 55); and if

the identifier is valid, assigning a range of port numbers to the IP telephone based

on the identifier, wherein the IP telephone is operable to use at least a subset of the

range of port numbers to send or receive IP communications (column 11, lines 1 –

12; column 16, lines 13 – 20).

Regarding claims 2, 17, 32, Schuster et al. discloses the limitation of the

method, system of claimed wherein said range of port numbers comprises ports

which are not reserved for use by other IP protocols (Fig. 2, Fig. 3; column 11, lines

50 – 55; column 12, lines 31 – 43; column 16, lines 13 – 20).

Regarding claims 3, 15, 18, 30, 33, 45, Schuster et al. discloses the limitation of the method of claimed further comprising: mediating IP communications between the IP telephone and an IP device, wherein the IP telephone uses at least a subset of the range of port numbers to send or receive said IP communications (column 13, lines 14 – 21; column 16, lines 13 – 20).

Regarding claims 4, 6, 19, 34, 21, 36, Schuster et al. discloses the limitation of the method, system of claimed, wherein said mediating the IP communications comprises: receiving a data packet from the IP telephone, performing a network address persistent port translation (NAPPT) on the data packet (Fig. 9, column 15, lines 32 – 47); and sending the data packet to the IP device (column 16, lines 46 – 49).

Regarding claims 5, 20, 35, Schuster et al. discloses the limitation of the method, system of claimed wherein the data packet comprises a private source IP address, a source port number, and destination information associated with the IP device, wherein the private source IP address comprises a private IP address of the IP telephone, and wherein the source port number comprises a port number in the assigned range of port numbers (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32; column 16, lines 13 – 20); and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises changing the private source IP address to a public source IP address while leaving the source port number unchanged, and wherein the public source IP address and the source port number may be used to uniquely identify the IP telephone (Fig. 9, column 15, lines 32 – 47; column 16, lines 13 – 20).

Regarding claims 7, 22, 37, Schuster et al. discloses the limitation of the method, system of claimed wherein the data packet comprises a public destination IP address, a destination port number; and source information associated with the IP device, wherein the destination port number comprises a port number in the assigned range of port numbers, and wherein the public destination IP address and the destination port number may be used to uniquely identify the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32; column 16, lines 13 – 20); and wherein said performing a network address persistent port translation (NAPPT) on the data packet comprises using the public destination IP address and the destination port number to uniquely identify the IP telephone, and changing the public destination IP address to a private destination IP address while leaving the destination port number unchanged, wherein the private IP address comprises an IP address of the IP telephone (Fig. 9, column 15, lines 32 – 47; column 16, lines 13 – 20).

Regarding claim 16, Schuster et al. discloses the limitation of a system for performing IP telephony, comprising: a network (Fig. 1, column 5, line 16 – 24); an IP telephone (Fig. 1, element 22, column 5, lines 24 – 26); a Service Gateway, wherein the Service Gateway is operable to couple to the IP telephone through the network (column 6, lines 23 – 25); wherein the IP telephone is operable to send an identifier to the Service Gateway; wherein the Service Gateway is operable to: receive an identifier from the IP telephone; determine if the identifier is valid; and if the identifier is valid, assign a range of port numbers to the IP telephone based on

the identifier; wherein the IP telephone is operable to use at least a subset of the

range of port numbers to send or receive IP communications (column 8, lines 52 –

55; column 11, lines 1 – 12, column 16, lines 13 – 20).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   Claims 8, 9, 10, 11, 12, 13, 14, 23, 24, 25, 26, 27, 28, 29, 30, 38, 40, 41, 42,

43, 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et

al. (U.S. Patent No. 6822957 B1) in view of Fijolek et al. (U.S. Patent No. 6577642

B1).

        Regarding claims 8, 23, 38, Schuster et al. discloses the limitation of a

method, system for configuring an IP telephone, comprising: receiving an identifier

from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10,

lines 23 – 32). Schuster et al. does not disclose expressly the method, system of

claimed wherein the identifier comprises a vendor class identifier. Fijolek et al.

discloses the limitation of the method, system of claimed wherein the identifier

comprises a vendor class identifier (column 10, lines 60 – 67; column 11, lines 5 –

9) column 11 – 12, Table 1). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Schuster et al. to include of the

method, system of claimed wherein the identifier comprises a vendor class identifier

such as that taught by Fijolek et al. in order to provide a variety of service offerings

via and through a data-over-cable system (as suggested by Fijolek et al., see

column 5, lines 4 – 5).

Regarding claims 9, 24, 39, Schuster et al. discloses the limitation of a

method, system for configuring an IP telephone, comprising: receiving an identifier

from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10,

lines 23 – 32). Schuster et al. does not disclose expressly the method of claimed

wherein said determining comprises: determining if a MAC ID for the IP telephone

is valid; and if the MAC ID is determined to be valid, then determining if the

identifier is valid.   Fijolek et al. discloses the method, system of claimed wherein

said determining comprises: determining if a MAC ID for the data link layer is valid;

and if the MAC ID is determined to be valid, then determining if the identifier is valid

(column 8, lines 22 – 36). It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Schuster et al. to include of the

method, system of claimed wherein said determining comprises: determining if a

MAC ID for the data link layer is valid; and if the MAC ID is determined to be valid,

then determining if the identifier is valid such as that taught by Fijolek et al. in order

to provide a variety of service offerings via and through a data-over-cable system

(as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 10, 25, 40, Schuster et al. discloses the limitation of a

method, system for configuring an IP telephone, comprising: receiving an identifier

from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10,

lines 23 – 32). Schuster et al. does not disclose expressly the method, system of

claimed wherein said identifier is comprised in a DHCP discover message, the

method further comprising: issuing a DHCP offer to the IP telephone if the identifier

is determined to be valid, wherein the DHCP offer comprises DHCP lease

information based on the validated identifier; the IP telephone issuing a DHCP

request in response to the issued DHCP offer; storing the DHCP lease information

in response to the issued DHCP request; the IP telephone storing the DHCP lease

information; and the IP telephone enabling DHCP settings comprised in the DHCP

lease information. Fijolek et al. discloses the limitation of the method, system of

claimed wherein said identifier is comprised in a DHCP discover message, the

method further comprising: issuing a DHCP offer to the IP telephone if the identifier

is determined to be valid, wherein the DHCP offer comprises DHCP lease

information based on the validated identifier (Fig. 13, elements 270, 278, 280, 282,

286; column 25, lines 40 – 63); the IP telephone issuing a DHCP request in

response to the issued DHCP offer; storing the DHCP lease information in

response to the issued DHCP request; the IP telephone storing the DHCP lease

information; and the IP telephone enabling DHCP settings comprised in the DHCP

lease information (Fig. 13, elements 300, 302, 308, 312, 318, 322, 320, 324;

column 25, lines 40 – 63; column 26, lines 44 – 64). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to modify Schuster

et al. to include of the method, system of claimed wherein said identifier is

comprised in a DHCP discover message, the method further comprising: issuing a

DHCP offer to the IP telephone if the identifier is determined to be valid, wherein

the DHCP offer comprises DHCP lease information based on the validated

identifier; the IP telephone issuing a DHCP request in response to the issued DHCP

offer; storing the DHCP lease information in response to the issued DHCP request;

the IP telephone storing the DHCP lease information; and the IP telephone enabling

DHCP settings comprised in the DHCP lease information as that taught by Fijolek

et al. in order to provide a variety of service offerings via and through a data-over-

cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 11, 12, 26, 27, 41, 42, Schuster et al. discloses the

limitation of the method, system of claimed, wherein the range of port numbers and

information indicating operational software for the IP telephone (column 5, lines 55

– 67; column 13, lines 14 – 21; column 16, lines 13 – 20), the method further

comprising: the IP telephone executing the indicated operational software to enable

said IP communications (column 13, lines 14 – 21; column 16, lines 13 – 20;

column 6, lines 3 – 23). Schuster et al. does not disclose expressly the method,

system of claimed wherein said DHCP lease information. Fijolek et al. discloses the

limitation of the method, system of claimed wherein said DHCP lease information

(column 24, lines 40 – 67). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Schuster et al. to include of the

method, system of claimed wherein said DHCP lease information such as that

taught by Fijolek et al. in order to provide a variety of service offerings via and

through a data-over-cable system (as suggested by Fijolek et al., see column 5,

lines 4 – 5).

Regarding claims 13, 28, 43, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32). Schuster et al. does not disclose expressly the method of claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer server performs said providing the operational software to the IP telephone (column 9, lines 32 – 35; column 25, lines 65 – 67; column 26, lines 1 – 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include the method of claimed wherein said issuing the request for the operational software comprises issuing a read request to a file transfer server, wherein said file transfer server performs said providing the operational software to the IP telephone such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Regarding claims 14, 29, 44, Schuster et al. discloses the limitation of a method, system for configuring an IP telephone, comprising: receiving an identifier from the IP telephone (column 3, lines 20 – 32; column 8, lines 45 – 50; column 10, lines 23 – 32). Schuster et al. does not disclose expressly the method, system of claimed wherein the file transfer server comprises a TFTP (Trivial File Transfer Protocol) server (column 9, lines 32 – 35; column 25, lines 65 – 67; column 26, lines 1 – 13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schuster et al. to include of the method,

system of claimed wherein the file transfer server comprises a TFTP (Trivial File Transfer Protocol) server such as that taught by Fijolek et al. in order to provide a variety of service offerings via and through a data-over-cable system (as suggested by Fijolek et al., see column 5, lines 4 – 5).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL   July 30, 2005

Ajit Patel
Primary Examiner